

## § 531.603

## 5 CFR Ch. I (1–1–02 Edition)

for step 1 of the employee's grade on the General Schedule;

(3) The retained rate of pay under part 536 of this chapter, 5 CFR 359.705, or 5 U.S.C. 5334(b)(2), if applicable; or

(4) For an employee in a category of positions described in 5 U.S.C. 5304(h)(1)(A)–(F) for which the President (or designee) has authorized locality-based comparability payments under 5 U.S.C. 5304(h)(2), the rate of basic pay fixed by law or administrative action, exclusive of any locality-based adjustments (including adjustments equivalent to local special rate adjustments under 5 U.S.C. 5305) or other additional pay of any kind.

[58 FR 69174, Dec. 30, 1993, as amended at 59 FR 67605, Dec. 30, 1994; 61 FR 3540, Feb. 1, 1996; 62 FR 25425, May 9, 1997; 64 FR 69173, Dec. 10, 1999; 66 FR 67070, Dec. 28, 2001]

### § 531.603 Locality pay areas.

(a) Locality rates of pay under this subpart shall be payable to employees whose official duty stations are located in the locality pay areas listed in paragraph (b) of this section.

(b) The following are locality pay areas for the purpose of this subpart:

(1) Atlanta, GA—consisting of the Atlanta, GA MSA;

(2) Boston-Worcester-Lawrence, MA-NH-ME-CT-RI—consisting of the Boston-Worcester-Lawrence, MA-NH-ME-CT CMSA, plus the State of Rhode Island and all of Bristol County, MA;

(3) Chicago-Gary-Kenosha, IL-IN-WI—consisting of the Chicago-Gary-Kenosha, IL-IN-WI CMSA;

(4) Cincinnati-Hamilton, OH-KY-IN—consisting of the Cincinnati-Hamilton, OH-KY-IN CMSA;

(5) Cleveland-Akron, OH—consisting of the Cleveland-Akron, OH CMSA;

(6) Columbus, OH—consisting of the Columbus, OH MSA;

(7) Dallas-Fort Worth, TX—consisting of the Dallas-Fort Worth, TX CMSA;

(8) Dayton-Springfield, OH—consisting of the Dayton-Springfield, OH MSA;

(9) Denver-Boulder-Greeley, CO—consisting of the Denver-Boulder-Greeley, CO CMSA;

(10) Detroit-Ann Arbor-Flint, MI—consisting of the Detroit-Ann Arbor-Flint, MI CMSA;

(11) Hartford, CT—consisting of the Hartford, CT MSA, plus that portion of New London County, CT, not located within the Hartford, CT MSA;

(12) Houston-Galveston-Brazoria, TX—consisting of the Houston-Galveston-Brazoria, TX CMSA;

(13) Huntsville, AL—consisting of the Huntsville, AL MSA;

(14) Indianapolis, IN—consisting of the Indianapolis, IN MSA;

(15) Kansas City, MO-KS—consisting of the Kansas City, MO-KS MSA;

(16) Los Angeles-Riverside-Orange County, CA—consisting of the Los Angeles-Riverside-Orange County, CA CMSA, plus Santa Barbara County, CA, and that portion of Edwards Air Force Base, CA, not located within the Los Angeles-Riverside-Orange County, CA CMSA;

(17) Miami-Fort Lauderdale, FL—consisting of the Miami-Fort Lauderdale, FL CMSA;

(18) Milwaukee-Racine, WI—consisting of the Milwaukee-Racine, WI CMSA;

(19) Minneapolis-St. Paul, MN-WI—consisting of the Minneapolis-St. Paul, MN-WI MSA;

(20) New York-Northern New Jersey-Long Island, NY-NJ-CT-PA—consisting of the New York-Northern New Jersey-Long Island, NY-NJ-CT-PA CMSA;

(21) Orlando, FL—consisting of the Orlando, FL MSA;

(22) Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD—consisting of the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD CMSA;

(23) Pittsburgh, PA—consisting of the Pittsburgh, PA MSA;

(24) Portland-Salem, OR-WA—consisting of the Portland-Salem, OR-WA CMSA;

(25) Richmond-Petersburg, VA—consisting of the Richmond-Petersburg, VA MSA;

(26) Sacramento-Yolo, CA—consisting of the Sacramento-Yolo, CA CMSA;

(27) St. Louis, MO-IL—consisting of the St. Louis, MO-IL MSA;

(28) San Diego, CA—consisting of the San Diego, CA MSA;

(29) San Francisco-Oakland-San Jose, CA—consisting of the San Francisco-Oakland-San Jose, CA CMSA, plus Monterey County, CA;

## Office of Personnel Management

## § 531.606

(30) Seattle-Tacoma-Bremerton, WA—consisting of the Seattle-Tacoma-Bremerton, WA CMSA;

(31) Washington-Baltimore, DC-MD-VA-WV—consisting of the Washington-Baltimore, DC-MD-VA-WV CMSA, plus St. Mary's County, MD; and

(32) Rest of U.S.—consisting of those portions of the 48 contiguous States not located in another locality pay area.

[58 FR 69174, Dec. 30, 1993, as amended at 59 FR 67605, Dec. 30, 1994; 61 FR 40950, Aug. 7, 1996; 61 FR 42939, Aug. 19, 1996; 62 FR 65312, Dec. 12, 1997; 65 FR 75154, Dec. 1, 2000]

### § 531.604 Determining locality rates of pay.

(a) To determine the locality rate of pay payable to an employee, the applicable scheduled annual rate of pay shall be increased by the percentage authorized by the President for the locality pay area in which the employee's official duty station is located.

(b) Except as provided in paragraph (c) of this section, locality rates of pay may not exceed the rate of basic pay payable for level IV of the Executive Schedule.

(c)(1) Locality rates of pay approved by the President (or designee) for employees in a category of positions described in 5 U.S.C. 5304(h)(1)(A)–(E) may not exceed the rate for level III of the Executive Schedule.

(2) Locality rates of pay approved by the President (or designee) for employees in a category of positions described in 5 U.S.C. 5304(h)(1)(F) may not exceed—

(i) The rate for level IV of the Executive Schedule, when the maximum scheduled annual rate of pay (excluding any retained rate) for such positions is less than or equal to the maximum payable scheduled annual rate of pay for GS-15; or

(ii) The rate for level III of the Executive Schedule, when the maximum scheduled annual rate of pay (excluding any retained rate) for such positions exceeds the maximum payable scheduled annual rate of pay for GS-15, but is not more than the rate for level IV of the Executive Schedule.

(3) If application of paragraph (c)(2) of this section would otherwise reduce an employee's existing locality rate of

pay, the employee's locality rate of pay will be capped at the higher of—

(i) The amount of his or her locality rate of pay on the day before paragraph (c)(2) of this section is applied, or

(ii) The rate for level IV of the Executive Schedule.

(d) Paragraph (c) of this section does not apply to experts and consultants appointed under 5 U.S.C. 3109 if the pay for those experts and consultants is limited to the highest rate payable under 5 U.S.C. 5332 (i.e., the unadjusted maximum GS-15 rate). Pay limitations for such experts and consultants must be determined in accordance with § 304.105 of this chapter.

[58 FR 69174, Dec. 30, 1993, as amended at 66 FR 67070, Dec. 28, 2001]

### § 531.605 Computation of hourly, daily, weekly, and biweekly locality rates of pay.

When it is necessary to convert an annual locality rate of pay to an hourly, daily, weekly, or biweekly rate, the following methods apply:

(a) To derive an hourly rate, divide the annual locality rate of pay by 2,087 and round to the nearest cent, counting one-half cent and over as the next higher cent;

(b) To derive a daily rate, multiply the hourly rate by the number of daily hours of service required by the employee's basic daily tour of duty;

(c) To derive a weekly or biweekly rate, multiply the hourly rate by 40 or 80, as the case may be.

### § 531.606 Administration of locality rates of pay.

(a) An employee shall receive the greatest of—

(1) His or her rate of basic pay, including any applicable special salary rate established under 5 U.S.C. 5305 or similar provision of law or special rate for law enforcement officers under section 403 of FEPCA;

(2) A *continued rate of pay* under subpart G of this part;

(3) A "special law enforcement adjusted rate of pay" under subpart C of this part, where applicable, including a "special law enforcement adjusted rate of pay" continued under § 531.307; or

(4) A locality rate of pay under this subpart, where applicable.